IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 531 of 2004 (S/S)
(Old No. 19259 of 1987)

Ram Gopal
S/o Shri Dilip Singh
R/o Mohalla Ram Bhawan
Ward No. 3 Bazpur
District Nainital ……Petitioner

Versus

1. The State of U.P.
2. The District Magistrate, Nainital
3. Sub-Divisional, Kashipur
   District Nainital.
4. Administrator Nagar Palika
   Bazpur District Nainital ……..Respondents.

Shri P.C. Jhingan, learned counsel for the petitioner
Shri N.P. Sah, Learned Standing Counsel for the respondents.

Hon'ble Prafulla C. Pant, J

This is application (No. 13922 of 2006) for impleadment of one Munna Lal, Manzoor Beg and Heera Lal, as petitioners in writ petition No. 531 of 2004 (S/S).

2. Heard.

3. From para-2 to para-6 of the petition, it is evident that the original petitioner Ram Gopal and present applicants, who have sought their impleadment were working on daily wages with Nagar Palika, Bazpur. They claimed their appointment against the substantive vacant posts on the ground that they had worked for more than 240 days. The relief sought by them is hit by the direction issued by the Apex Court in Secretary, State of Karnataka Vs. Uma Devi (2006) 4 Supreme Court Cases,

Pg 01, wherein it has been held that the contractual labourers, employees appointed on daily wages or those who appointed without due selection process against the constitutional scheme on public employment should not be absorbed or regularised in service.

4. It appears that the name of the petitioners was initially mentioned in the array of parties but because the court fee was not paid before Allahabad High Court when the writ petition was filed in the year 1987, as such, the names of applicants Munna Lal, Manzoor Beg and Heera Lal, were scored of from the array of parties by the counsel of the petitioners. Present petition is an attempt to bypass the objection of the deficiency of the court fee, observed in the year 1987.

5. For the reasons, as discussed above, the impleadment application No. 13922 of 2006 is rejected. Also, the writ petition No. 531 of 2004 (S/S) (Old No. 19259 of 1987) is also dismissed in view of the direction of the Apex Court in the afore-mentioned case. (All pending applications in this case also stand disposed of). Interim order, if any, stands vacated.

Dt. 18.11.2006 **(Prafulla C. Pant, J.)**
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